

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

SANTOS HERNANDEZ AND EMANUEL DE
JESUS LIEVANO,

Plaintiffs,

-against-

Case No. 20-cv-04026 (NCM)(SIL)

ROSSO UPTOWN, LTD., MICHELE TIZZANO
S/H/A MICHAEL TIZZANO AND MASSIMO
GAMMELLA,

Defendants.

**DECLARATION OF STEVEN J. MOSER
IN SUPPORT OF PLAINTIFFS' MOTION TO STRIKE THE ANSWER OF THE
DEFENDANT ROSSO UPTOWN, LTD. AND FOR A DEFAULT JUDGMENT**

I, Steven J. Moser, declare as follows:

1. I am the attorney of record for the Plaintiffs Santos Hernandez and Emanuel De Jesus Lievano.
2. I make this declaration in support of Plaintiffs' motion to strike the answer of Defendant Rosso Uptown, Ltd. ("Rosso" or "Corporate Defendant") and to enter a default judgment against Rosso.
3. I hereby incorporate by reference all facts stated in the accompanying Memorandum of Law in Support of Plaintiffs' Motion to Strike the Answer of Defendant Rosso Uptown, Ltd. and for Default Judgment as if fully set forth herein.
4. I have annexed hereto true and accurate copies of the following documents in support of the Plaintiffs' motion:

Exhibit No.	ECF No.	Description
1		Damages calculations spreadsheet
2	1	Complaint dated August 8, 2020
3		Docket Report
4	35	Order to Show Cause issued by Judge Azrack on March 30, 2022
5		Damages spreadsheet showing formulas

I declare under penalty of perjury, under 28 U.S.C. § 1746, that the foregoing is true and correct.

Dated: Huntington, New York
August 15, 2024

Steven J. Moser
Steven J. Moser